

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

HELEN PEARL SHEWMAKE, individually
and as Special Administrator for the Estate of)
ELIC DAVID SHEWMAKE,)
)
Plaintiff,) Case No. 13-cv-1223-SCW
)
vs.)
)
AERCO International, Inc., et al.,)
)
Defendants.

MEMORANDUM AND ORDER

WILLIAMS, Magistrate Judge:

Before the Court are stipulations of dismissals against various Defendants filed by Plaintiff Helen Pearl Shewmake. Specifically, Shewmake has filed stipulations of dismissals for Defendants AERCO International, Inc. (Doc. 605), Ajax Magnethermic Corp. (Doc. 606), A.O. Smith Corporation (Doc. 607), API Heat Transfer, Inc. (Doc. 608), Beazer East Inc., (Doc. 609), Bechtel Construction (Doc. 611), Betchel Corporation (Doc. 612) Bonney Forge Corp. (Doc. 613), Brand Insulations, Inc. (Doc. 614), Carboline Company (Doc. 615), Chicago Bridge & Iron Company (Doc. 616), Columbia Boiler Co. (Doc. 617), Compudyne Corp. (Doc. 618), Dewitt Products, Co. (Doc. 619), Ferro Engineering (Doc. 620), Graybar Electric Company (Doc. 621), Grimes Aerospace Corp (Doc. 622), Homasote Company (Doc. 623), Honeywell, Inc. (Doc. 624), Johnson Controls Inc. (Doc. 625), Johnston Boiler Company (Doc. 626), Kvaerner U.S., Inc. (Doc. 627), Lattner Boiler Company (Doc. 628), Lindberg (Doc. 629), Milwaukee Valve Company (Doc. 630), Plastics Engineering Company (Doc. 631), Research Cottrell, Inc. (Doc. 632), Rheem Manufacturing (Doc. 633), Rockwell Automation, Inc. (Doc. 634), Seco Warwick Corp. (Doc. 635), Superior Boiler Works, Inc. (Doc. 637),

Thermo Fisher Scientific, Inc. (Doc. 638), Thermwell Products Co., Inc. (Doc. 639), Universal Refractories, Inc. (Doc. 640), Vanderbilt Minerals LLC (Doc. 641), XEF, Inc., f/k/a Electric Furnace (Doc. 642), Young Group LTD (Doc. 643), Baltimore Aircoil Co. (Doc. 645), Daniel International Corp. (Doc. 646), Fluor Constructors International, Inc. (Doc. 647), Fluor Corp. (Doc. 648), Fluor Daniel Illinois, Inc. (Doc. 650), Fluor Enterprises, Inc. (Doc. 651), and Whiting Corp. (Doc. 652). Although Plaintiff labeled his filings as a stipulation of dismissal pursuant to **Federal Rule of Civil Procedure 41(a)(1)(A)(ii)**, Plaintiff's stipulation is not signed by the Defendants as required by the rule. Thus, the Court must construe Plaintiff's filing as a motion for dismissal under **Rule 41(a)(2)**. Although construed as a motion for dismissal, Plaintiff notes in his motions that the various Defendants each agree to the dismissal without prejudice. As the parties agree to the dismissal, the Court **GRANTS** the stipulations of dismissal, which this Court construes as motions to dismiss, and **DISMISSES without prejudice** Plaintiff's claims against the above listed Defendants.

IT IS SO ORDERED.

DATED: June 20, 2014.

/s/ Stephen C. Williams

STEPHEN C. WILLIAMS
United States Magistrate Judge